

**SENATE JOURNAL
61ST LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 14, 2009

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Zinke and Senator Hansen, excused. Quorum present.

BILLS AND JOURNALS:

2/14/2009

Correctly printed: **SB 150, SB 167, SB 269, SB 283, SB 319, SB 343, SB 368, SB 376, SB 462, SB 463, SB 464, SB 465, SB 466, SB 467, SB 468, SB 469, SB 470, SB 471, SB 472, SB 473, SB 474, SJR 19, SJR 27.**
Correctly engrossed: **SB 142, SB 213, SB 250, SB 336, SB 344, SJR 22.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
SB 323, introduced bill, be amended as follows:

2/13/2009

1. Title, page 1, line 6.

Following: "IF"

Insert: "THE LEASE IS NOT REVISED OR"

2. Page 1, line 14.

Following: "effect if"

Insert: "a revised lease is not agreed to or if"

Following: "party gives"

Insert: "a 30-day written"

3. Page 1, line 19.

Following: "party gives"

Insert: "a 30-day written"

4. Page 1, line 22.

Following: "party gives"

Insert: "a 30-day written"

And, as amended, do pass. Report adopted.

SB 335, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "BY PERSONS" through "QUALIFIED"

2. Page 1, line 16.

Strike: "adopt"

Insert: "set"

Following: "standards and"

Insert: "adopt and enforce"

3. Page 1, line 17.

Following: "jurisdiction;"

Insert: "and"

4. Page 1, line 20 through line 21.

Strike: "; and" on line 20 through "manner" on line 21

Insert: "and"

5. Page 1, line 22 through line 23.

Strike: "from persons" on line 22 through "occupation" on line 23

And, as amended, do pass. Report adopted.

SB 371, introduced bill, be amended as follows:

1. Page 6, line 12.

Following: "(2)"

Insert: "(a)"

2. Page 6, line 14.

Strike: "(a)"

Insert: "(i)"

Strike: "the employer's premises"

Insert: "any worksite of an employer"

3. Page 6, line 16.

Strike: "(b)"

Insert: "(ii) except as provided in subsection (2)(b),"

4. Page 6, line 18.

Following: "activity."

Strike: "This exemption does"

Insert: "

(b) The provisions of subsection (2)(a)(ii) do"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Laible, Chairman):

2/14/2009

SB 248, do pass. Report adopted.

SJR 23, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

2/13/2009

SB 331, do pass. Report adopted.

SB 394, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/13/2009

HB 27, introduced by Wiseman

HB 133, introduced by Stoker

HB 243, introduced by Hunter

Senate bill concurred in and returned to the Senate:

2/13/2009

SB 115, introduced by Kaufmann

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 475, introduced by Esp, referred to Energy and Telecommunications.

SB 476, introduced by Shockley, referred to Judiciary.

SB 477, introduced by Kaufmann, referred to Education and Cultural Resources.

SB 478, introduced by Brenden, Ripley, Steinbeisser, Hinkle, Debby Barrett, Curtiss, referred to Agriculture, Livestock and Irrigation.

SB 479, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

SB 480, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

SB 481, introduced by Barkus, Ankney, Bennett, Kasten, McNutt, Ingraham, Keane, Welborn, Klock, Lewis, Gebhardt, referred to Natural Resources.

SB 482, introduced by McGee, referred to Local Government.

SB 483, introduced by Essmann, referred to Highways and Transportation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 28, introduced by J. Peterson, Laslovich, Zinke, Brueggeman, Hendrick, referred to Energy and Telecommunications.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 150 passed as follows:

Yeas: Bales, Balyeat, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 45

Nays: Barkus, Barrett, Brenden.

Total 3

Absent or not voting: None.

Total 0

Excused: Hansen, Zinke.

Total 2

SB 167 passed as follows:

Yeas: Barkus, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 35

Nays: Bales, Balyeat, Barrett, Brenden, R. Brown, Gebhardt, Hansen, Hinkle, Juneau, Kaufmann, Keane, Peterson, Stewart-Peregoy, Tutvedt, Mr. President.
Total 15

Paired: Laslovich, Zinke, Aye; Hansen, Keane, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hansen, Zinke.
Total 2

SB 283 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.
Total 46

Nays: Brenden, Esp.
Total 2

Absent or not voting: None.
Total 0

Excused: Hansen, Zinke.
Total 2

SB 319 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Hansen, Zinke.

Total 2

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 21 - Senator Story moved **SB 21** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Hansen, Zinke.

Total 2

SB 100 - Senator Black moved **SB 100** do pass. Senator Black withdrew his motion.

SB 100 - Senator Black moved **SB 100** be passed for the day. Without objection, so ordered.

SB 119 - Senator Esp moved **SB 119** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Hansen, Zinke.
Total 2

SB 174 - Senator Perry moved **SB 174** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hansen, Zinke.
Total 2

Senator Peterson moved that **SB 224**, **SB 244**, and **SB 271** be passed for the day. Without objection, so ordered.

SB 265 - Senator T. Brown moved **SB 265** do pass. Motion **failed** as follows:

Yeas: Bales, Branae, T. Brown, Erickson, Essmann, Juneau, Kaufmann, Laible, Larsen, Williams.
Total 10

Nays: Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Cooney, Curtiss, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Keane, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Mr. President.
Total 38

Absent or not voting: None.
Total 0

Excused: Hansen, Zinke.
Total 2

SB 265 - Senator J. Peterson moved **SB 265** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Cooney, Curtiss, Esp, Gallus, Gebhardt, Hamlett, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.
Total 40

Nays: Branae, T. Brown, Erickson, Essmann, Gillan, Juneau, Laible, Larsen.
Total 8

Absent or not voting: None.
Total 0

Excused: Hansen, Zinke.
Total 2

SB 280 - Senator Gebhardt moved **SB 280** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hansen, Zinke.
Total 2

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Ripley moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

Senator Balyeat moved that **SB 244** be re-referred to Taxation. Motion carried.

Bales move **SB 100** be re-referred to Finance and Claims. Motion carried.

SPECIAL ORDERS OF THE DAY

Senator Barkus thanked the Pages for their work during the week of February 9-14, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, February 16, 2009. Motion carried.

Senate adjourned at 8:57 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate